

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BRENDA SALTER,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 12-0174-CG-N
)	
EDWIN BOOKER, <u>et al.</u>,)	
)	
Defendants.)	

ORDER

This cause is before the court on the United States' Motion to Set Aside Default as to defendant Monica Johnson (Doc. 78). The government represents in its motion that Ms. Johnson is an employee of the United States, and that since the plaintiff is suing Ms. Johnson in her individual and official capacities for acts or omissions occurring in connection with duties performed for the United States, plaintiff is required to serve the United States in accordance with Rule 4(i)(2) and (3) of the Federal Rules of Procedure.

Upon due consideration of the grounds cited, the motion is hereby **GRANTED** pursuant to Rule 55(c) of the Federal Rules of Civil Procedure; therefore, the Clerk's Entry of Default as to Monica Johnson (Doc. 77) is hereby **SET ASIDE**.

The court notes that this action was commenced on March 7, 2012; therefore, the deadline for service pursuant to Rule 4(m) of the Federal Rules of Civil Procedure expired on July 5, 2012. Nevertheless, the court will extend the deadline

for the purpose of service on the United States. The plaintiff is **ORDERED** to serve a summons and copy of the complaint on the United States in accordance with Rule 4(i) of the Federal Rules of Civil Procedure and provide proof of said service **on or before October 4, 2012**. Failure to comply with this order will result in dismissal of plaintiff's claims against defendant Monica Johnson without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

DONE and ORDERED this 4th day of September, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE